



March 20, 2009

ENGROSSED HOUSE BILL No. 1323

DIGEST OF HB 1323 (Updated March 17, 2009 1:22 pm - DI 71)

Citations Affected: IC 9-13; IC 9-21; IC 9-24.

Synopsis: Various motor vehicle matters. Allows a person who drives an authorized emergency vehicle to execute a lawful intervention technique involving a fleeing motor vehicle if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques. Requires the driver of a school bus to stop the school bus before crossing certain railroad tracks. (Current law requires the driver to stop only when carrying a passenger.) Authorizes an individual less than 18 years of age to operate a motor vehicle in which there are passengers if the licensed operator is accompanied by a parent, guardian, or stepparent of the operator.

Effective: July 1, 2009.

Duncan, Austin

(SENATE SPONSORS — MERRITT, BUCK, ARNOLD)

January 13, 2009, read first time and referred to Committee on Roads and Transportation.
February 19, 2009, amended, reported — Do Pass.
February 23, 2009, read second time, ordered engrossed. Engrossed.
February 25, 2009, read third time, passed. Yeas 96, nays 1.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
March 19, 2009, amended, reported favorably — Do Pass.

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EH 1323—LS 6206/DI 96+



March 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1323

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-92.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 92.2. "Lawful intervention technique", for purposes**
4 **of IC 9-21-1, has the meaning set forth in IC 9-21-1-0.5.**

5 SECTION 2. IC 9-21-1-0.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2009]: **Sec. 0.5. As used in this chapter, "lawful intervention**
8 **technique" means a method by which a pursuing motor vehicle**
9 **causes, or attempts to cause, a fleeing motor vehicle to stop. The**
10 **term includes a precision immobilization technique (PIT)**
11 **maneuver.**

12 SECTION 3. IC 9-21-1-8 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) This section applies to the**
14 **person who drives an authorized emergency vehicle when:**

- 15 (1) responding to an emergency call;
16 (2) in the pursuit of an actual or suspected violator of the law; or
17 (3) responding to, but not upon returning from, a fire alarm.

EH 1323—LS 6206/DI 96+



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(b) The person who drives an authorized emergency vehicle may do the following:

- (1) Park or stand, notwithstanding other provisions of this article.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.
- (3) Exceed the maximum speed limits if the person who drives the vehicle does not endanger life or property.
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(5) Execute a lawful intervention technique if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques.

(c) This section applies to an authorized emergency vehicle only when the vehicle is using audible or visual signals as required by law. An authorized emergency vehicle operated as a police vehicle is not required to be equipped with or display red and blue lights visible from in front of the vehicle.

(d) This section does not do the following:

- (1) Relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.
- (2) Protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others.

SECTION 4. IC 9-21-12-17, AS AMENDED BY P.L.107-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus ~~carrying a passenger~~ shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train; and
- (3) look for signals indicating the approach of a train.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have

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the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a) This section applies to a probationary operator's license issued before July 1, 2009.**

~~(a)~~ **(b)** A license issued to an individual less than eighteen (18) years of age is a probationary license.

~~(b)~~ **(c)** An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age and ~~(B)~~ holds a valid operator's license issued under this article; **or**

(B) is the individual's parent, guardian, or stepparent who is at least twenty-one (21) years of age;

is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

~~(c)~~ **(d)** An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

~~(d)~~ **(e)** Except as provided in subsection ~~(e)~~, **(f)**, a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

~~(e)~~ **(f)** A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

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(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 6. IC 9-24-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.3. (a) This section applies to a probationary operator's license issued after June 30, 2009.**

(b) A license issued to or held by an individual less than eighteen (18) years of age is a probationary license.

(c) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in subsection (e), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

(2) Except as provided in subsection (e), after one hundred eighty (180) days after issuance of the probationary license, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) Except as provided in subsection (f), during the one hundred eighty (180) days after the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:

(A) who:

(i) is at least twenty-five (25) years of age; and

(ii) holds a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license issued under this article; or

(B) who is a certified driver education instructor; is present in the front seat of the motor vehicle.

(4) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle have:

(A) a safety belt; or

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- 1 (B) if the occupant is a child who must be properly
 2 fastened and restrained in a child restraint system
 3 according to the manufacturer's instructions under
 4 IC 9-19-11, a child restraint system;
 5 properly fastened about the occupant's body at all times when
 6 the motor vehicle is in motion.
- 7 (d) An individual who holds a probationary license to which this
 8 section applies may not operate a motor vehicle while using a
 9 telecommunications device unless the telecommunications device
 10 is being used to make a 911 emergency call.
- 11 (e) An individual may operate a motor vehicle during the period
 12 referred to in subsection (c)(1) or (c)(2) if the individual operates
 13 the motor vehicle while:
- 14 (1) participating in, going to, or returning from:
- 15 (A) lawful employment;
 16 (B) a school sanctioned activity; or
 17 (C) a religious event; or
- 18 (2) accompanied by a licensed driver at least twenty-five (25)
 19 years of age.
- 20 (f) An individual subject to this section may operate a motor
 21 vehicle and transport:
- 22 (1) a child of the individual;
 23 (2) a sibling of the individual;
 24 (3) a child and a sibling of the individual; or
 25 (4) the parent, guardian, or stepparent of the individual;
 26 without another accompanying individual present in the motor
 27 vehicle.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 5 through 42.

Page 3, delete lines 1 through 4.

Page 3, delete lines 27 through 32.

Page 4, delete lines 11 through 42.

Delete page 5.

Page 6, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1323 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 8, nays 2.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-92.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 92.2. "Lawful intervention technique", for purposes of IC 9-21-1, has the meaning set forth in IC 9-21-1-0.5.**

SECTION 2. IC 9-21-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. As used in this chapter, "lawful intervention technique" means a method by which a pursuing motor vehicle causes, or attempts to cause, a fleeing motor vehicle to stop. The term includes a precision immobilization technique (PIT) maneuver.**

EH 1323—LS 6206/DI 96+



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SECTION 3. IC 9-21-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies to the person who drives an authorized emergency vehicle when:

- (1) responding to an emergency call;
- (2) in the pursuit of an actual or suspected violator of the law; or
- (3) responding to, but not upon returning from, a fire alarm.

(b) The person who drives an authorized emergency vehicle may do the following:

- (1) Park or stand, notwithstanding other provisions of this article.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.
- (3) Exceed the maximum speed limits if the person who drives the vehicle does not endanger life or property.
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(5) Execute a lawful intervention technique if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques.

(c) This section applies to an authorized emergency vehicle only when the vehicle is using audible or visual signals as required by law. An authorized emergency vehicle operated as a police vehicle is not required to be equipped with or display red and blue lights visible from in front of the vehicle.

(d) This section does not do the following:

- (1) Relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.
- (2) Protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others."

Page 2, delete lines 5 through 42, begin a new paragraph and insert:
 "SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a) This section applies to a probationary operator's license issued before July 1, 2009.**

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~~(b)~~ **(c)** An individual holds a probationary license subject to the following conditions:

- (1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

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(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age and ~~(B)~~ holds a valid operator's license issued under this article; **or**

(B) is the individual's parent, guardian, or stepparent who is at least twenty-one (21) years of age;

is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

~~(c)~~ **(d)** An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

~~(d)~~ **(e)** Except as provided in subsection ~~(c)~~, **(f)**, a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

~~(e)~~ **(f)** A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 6. IC 9-24-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.3. (a) This section applies to a probationary operator's license issued after June 30, 2009.**

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(c) An individual holds a probationary license subject to the following conditions:

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(1) Except as provided in subsection (e), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

(2) Except as provided in subsection (e), after one hundred eighty (180) days after issuance of the probationary license, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

- (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;
- (B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
- (C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) Except as provided in subsection (f), during the one hundred eighty (180) days after the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:

(A) who:

- (i) is at least twenty-five (25) years of age; and
- (ii) holds a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license issued under this article; or

(B) who is a certified driver education instructor; is present in the front seat of the motor vehicle.

(4) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle have:

- (A) a safety belt; or
- (B) if the occupant is a child who must be properly fastened and restrained in a child restraint system according to the manufacturer's instructions under IC 9-19-11, a child restraint system;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(d) An individual who holds a probationary license to which this section applies may not operate a motor vehicle while using a telecommunications device unless the telecommunications device is being used to make a 911 emergency call.

(e) An individual may operate a motor vehicle during the period referred to in subsection (c)(1) or (c)(2) if the individual operates the motor vehicle while:

- (1) participating in, going to, or returning from:

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- (A) lawful employment;
- (B) a school sanctioned activity; or
- (C) a religious event; or
- (2) accompanied by a licensed driver at least twenty-five (25) years of age.
- (f) An individual subject to this section may operate a motor vehicle and transport:
 - (1) a child of the individual;
 - (2) a sibling of the individual;
 - (3) a child and a sibling of the individual; or
 - (4) the parent, guardian, or stepparent of the individual;without another accompanying individual present in the motor vehicle."

Delete page 3.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1323 as printed February 20, 2009.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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